

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GEORGE POOLE,

Plaintiff,

vs.

CHRIS CASSADAY, et al.,

Defendants.

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Case No. 4:04CV01284 AGF

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion for injunctive relief and to add two individuals as defendants. Plaintiff's filed this action on September 21, 2004, against the City of Cool Valley, Missouri; a Cool Valley police officer; and two individuals who own a station to which Plaintiff's car was towed. Plaintiff alleges that on September 5, 2004, the officer violated Plaintiff's constitutional rights by stopping his car based upon racial profiling, searching the car, and failing to inventory personal items in the car before ordering it towed. He claims that the City violated his rights in failing to properly train its police officers. Plaintiff further alleges that when he picked his car up, items of personal property were missing. Two separate motions for summary judgment filed by Defendants have been briefed and are pending before the Court for resolution.

In the motion now before the Court, filed on June 28, 2005, Plaintiff alleges that on June 22, 2005, Marisa Klein, the clerk of the Cool Valley court, issued a warrant for his arrest in retaliation for his having filed this lawsuit. He seeks "injunctive relief from the warrant issued by [Cool Valley] Judge Kevin Kelly and Marisa Klein, thus to add

both of them as defendants.” It appears highly unlikely that Plaintiff can state a claim upon which relief can be granted against Ms. Klein or Judge Kelley. In any event, any such claim does not arise out of the same set of facts underlying Plaintiff’s claims against the current Defendants. The parties sought to be added are unnecessary for resolution of Plaintiff’s claims against the current Defendants; nor will their absence from this lawsuit prejudice Plaintiff with regard to his claims against the current Defendants or cause him to forfeit any claim. Upon consideration of the advanced stage of the present proceedings and all the relevant factors in ruling on a motion to amend under Federal Rule of Civil Procedure 15(a), the Court concludes that Plaintiff’s motion should be denied.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s motion for injunctive relief and to add defendants is **DENIED**. [Doc. #27]



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of December, 2005.